

### **REMARKS**

Reconsideration of this application, as amended, is respectfully requested. Claims 50 and 52-59 have been cancelled. Claims 40 and 46 have been amended. New claim 60 has been added. With this amendment, claims 40-49, 51, and 60 are pending in this application. These amendments do not add new matter and are supported by the originally filed specification. Consideration and entry of these amendments is respectfully requested. Applicants reserve the right to prosecute any amended, cancelled, or otherwise unclaimed subject matter in this or another application, by rejoinder or otherwise.

### **Restriction Requirement**

The Examiner requires restriction of this application to one of the following groups:

Group I: claims 40-49 and 51-57, drawn to expression vectors and nucleic acids encoding modified KSA, and compositions containing the same; and,

Group II: claims 50, 58, and 59, drawn to a method of for preventing and treating cancer using modified KSA nucleic acids and expression vectors, and compositions containing the same.

In order to comply with this restriction requirement, Applicants hereby elect Group I which, with this amendment, includes claims 40-49, 51-57 and 60. The Examiner further requires election of a species of vector as in claims 41 and 42; Applicants hereby elect poxvirus vectors with traverse. The Examiner further requires election of a particular poxvirus vector as in claims 43 and 44; Applicants hereby elect avipox with traverse. The Examiner further requires election of a tumor antigen as in claim 46 claim; Applicants hereby modified carcinoembryonic antigen (SEQ ID NO.:4). The Examiner further requires election of a co-stimulatory component claimed in claim 48; Applicants hereby elect B7.1.

The species elections of poxvirus vectors, avipox vectors, modified carcinoembryonic antigen, and B7.1 are made with the understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to non-elected species written including all of the limitations of the allowed generic claim. In addition, all species elections are made with traverse. Applicants do not believe the species elections are necessary as all of the claims require modified KSA. If modified KSA represents patentable subject matter, as Applicants believe is the case, the Examiner will not need to conduct additional searches relating to

particular vectors or tumor antigens. As such, it is respectfully requested that the species election requirements be withdrawn.

### **CONCLUSIONS**

Reconsideration of this application, as amended, is respectfully requested. Applicants believe the claims are now in condition for allowance, and respectfully request that the Examiner issue a Notice of Allowance as soon as possible. If the Examiner believes it would expedite prosecution of this application, he is encouraged to contact the undersigned at his convenience.

Respectfully submitted,

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/Patrick J. Halloran/

Patrick J. Halloran

Reg. No. 41, 053

Patrick J. Halloran, Ph.D., J.D.  
3141 Muirfield Road  
Center Valley, PA 18034  
Tel: 610-984-4751  
Fax: 484-214-0164  
e-mail: pat@pathalloran.com